

**GENOA CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
December 13, 2022 - 6:30 PM**

MINUTES

Call to Order: Chairman Rassel called the regular meeting of the Zoning Board of Appeals to order at 6:30 pm. The members and staff of the Zoning Board of Appeals were present as follows: Greg Rassel, Michelle Kreutzberg, Marianne McCreary, Jean Ledford, Craig Fons, and Amy Ruthig, Planning Director. Absent was Bill Rockwell.

Pledge of Allegiance: The Pledge of Allegiance was recited.

Introduction: The members of the Board and staff introduced themselves.

Approval of the Agenda:

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve the agenda as presented. **The motion carried unanimously.**

Call to the Public:

The call to the public was opened at 6:31 pm with no response.

Old Business:

1. 22-23...A request by Joseph Maezes, 320 S. Hughes Road, for a waterfront setback variance and a variance to exceed the allowable number of detached accessory structures on a lot for the construction of a new pavilion.

Mr. Ron Paglioni, the park manager for Lake Chemung Outdoor Resort, stated they are not able to meet the setback because there is a hill. There is also a tree where the structure would be if it were to meet the setback. The pavilion will be a shade structure. This would provide a safe area for people to have shade and shelter.

Board Member McCreary questioned if there were restrictions within the campground bylaws. Mr. Paglioni stated that everyone must be off the beach by 11:00 pm and there is nothing allowed to be left overnight, such as tables, chairs, floatation devices, etc. They do not allow fires at any time. Boats are not allowed to be brought up onto the shore.

Board Member Kreutzberg asked if a retaining wall will need to be installed because of the hill. Mr. Paglioni stated it is a very sturdy hill and he does not believe there is a need for a retaining wall.

Board Member Fons questioned if an additional structure variance is being requested. Ms. Ruthig answered yes. There are only two detached accessory structures allowed on the entire property and there are already many more than that. Mr. Paglioni explained the different accessory structures that are on their property.

The call to the public was opened at 6:47 pm with no response.

Moved by Board Member McCreary, seconded by Board Member Kreutzberg, to approve Case #22-23 for Joseph Maezes at 320 S. Hughes Road for a waterfront yard setback variance of 70 feet, from the required 125 feet for a waterfront yard setback of 55 feet and a variance to exceed the allowable number of detached accessory structures on a lot for the construction of a new 20 x 30 pavilion, based on the following findings of fact:

- Strict compliance with the zoning ordinance would prevent the detached accessory building to be constructed; however, it does not prevent the use of the property. The property zoning of Public and Recreational Facilities (PRF) having a campground use requires that no adverse effects for accessory buildings and structures shall affect neighboring properties. This Board finds the distance between neighboring properties to be substantial and satisfactory. The setback requested in relation to its proximity at the northernmost end of the lake does not protrude beyond the closest neighboring properties' views. Current accessory buildings observed are four bathhouses for over 300 plus residents, a storage garage for maintenance of grounds, and a hall for residents to gather that are well maintained and service a large camp facility. Based on the shoreline and boats along the beach area where this gazebo will be placed, it would provide a great shade area and benefit to the members for health and safety.
- The extraordinary circumstances are the topography of the land and the steep grade with a rising elevation to the north of the proposed placement of the gazebo. It is the least amount necessary and is not self-created.
- The granting of this variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township of Genoa.
- This proposed variance would not have an impact on the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

This approval is conditioned upon the following:

1. No other waterfront structures are allowed.
2. This must comply with the Planning Commission requirements.
3. This must follow the terms and conditions of previous use/zoning approvals.
4. The sketch dated July 29, 2022 from Pucci and Vollmer Architects shall be submitted to the Township.

The motion carried unanimously.

Administrative Business:

1. Approval of minutes for the November 15, 2022 Zoning Board of Appeals meeting.

Needed changes were noted.

Moved by Board Member Ledford, seconded by Board Member McCreary, to approve the minutes of the November 15, 2022 meeting as presented/amended. **The motion carried unanimously.**

2. Correspondence

Ms. Ruthig stated there will be a ZBA meeting in January.

3. Member Discussion

Chairman Rassel stated that he will not be at the February meeting and is not sure if he will attend the January meeting.

4. Adjournment

Moved by Board Member Fons, seconded by Board Member McCreary, to adjourn the meeting at 7:02 pm. **The motion carried unanimously.**

Respectfully submitted:

Patty Thomas, Recording Secretary